



BOARD OF COMMERCE & INDUSTRY

**Department of Economic Development  
Office of Business Development  
Financial Incentives Division**

# Rules

The Department of Economic Development, Office of Business Development, Business Incentives Division, in accordance with the Administrative Procedure Act R.S. 40:950, *et seq.* adopts the following rules regarding the policies and procedures of the Business Development Board.

The following rules will implement R.S. 51:921 *et seq.*, authorizing the Secretary of the Department of Economic Development to establish rules for the Board of Commerce and Industry. The Department of Economic Development shall be advised by the Board of Commerce and Industry. The Commerce and Industry Board's duty and function is to review and approve or disapprove applications for tax incentive programs administered by the Office of Business Development.

## **Title 13**

### **ECONOMIC DEVELOPMENT**

#### **Part I. Financial Incentives Programs**

##### **Chapter 1. General Provisions**

###### **Subchapter A. General Rules**

###### **§101. Board of Commerce and Industry**

The principal offices of the Board of Commerce and Industry (hereinafter referred to as Board) shall be at the Louisiana Department of Economic Development, Office of Business Development, located in Baton Rouge, Louisiana, or at such other place that the Board may determine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.,

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR.

###### **§103. BOARD MEMBERSHIP**

**A. Number and qualifications of Board members.** The Board shall consist of twenty (20) members, unless R.S. 51:923 is amended to provide for a different number of Board members. Fifteen members shall be appointed by the governor from among representatives of the major economic groups within the state of Louisiana, one who shall be an elected municipal official appointed by the governor from a list of three names submitted by the Louisiana Municipal Association and one who shall be an elected Police Juror, Councilman, commissioner or Parish President appointed by the governor from a list of names submitted by the Louisiana Police Jury Association. In addition, the Governor, or his designee, the Lieutenant Governor, or his designee, and the secretary of the Department of Economic Development, or his designee, shall be ex officio

members of the Board with full right to participate in and vote on all matters.

**B. Appointment** Each appointment by the Governor shall be submitted to the Senate for confirmation and shall again be submitted by the governor to the Senate for confirmation every two years after the initial confirmation.

**C. Term** The members, other than the Governor, Lieutenant Governor and the Secretary of the Department of Economic Development, shall serve for terms which shall be concurrent with the term of the governor making the appointments. The Governor and Lieutenant Governor shall serve during the term of office of each. Other than the three *ex officio* members above, all other members shall continue to serve until their successor is appointed and takes office.

**D. Vacancy** A vacancy occurring for any reason shall be filled in the manner provided in §103(A) hereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR.

## **§105. COMPENSATION OF THE BOARD MEMBERS**

Members of the Board shall serve without compensation. Each member shall be entitled to reimbursement for the actual and necessary expenses incurred in the performance of official duties in accordance with the established travel regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR

## **§107. MEETINGS OF THE BOARD**

**A. Open Meeting** All meetings of the Board shall be subject to the Open Meetings Law as

provided in R.S. 42:1 et seq.

**B. Annual Meeting** The Board Year shall begin February 1 each year. The first meeting following the beginning of the Board Year is designated as the Annual Meeting where the Board shall elect its officers who shall serve until the next annual meeting or until their successors are elected.

**C. Regular Meetings** The Board may meet as often as it deems necessary provided that there shall be not less than four regular meetings each year.

**D. Special Meetings** With a minimum of 24 hours notice, a meeting may be called by the chairperson or by joint call of at least three of its members.

**E. Quorum** Excluding any vacancies on the Board, a **majority of the members of the Board shall constitute a quorum.** In the absence of a quorum, a majority of the members present at the time and place of any meeting may adjourn such meeting from time to time, with notice given in accordance with the Open Meeting Law.

**F. Parliamentary Procedure** Unless otherwise provided by law to the contrary, all meetings of the Board shall be conducted in accordance with "Robert's Rules of Order."

**G. Meeting Place** The Board, its Committees and Sub-committees, shall hold its meetings at the principal office of the Board, or at such other place as may be fixed by the Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry,  
LR

## **§109. NOTICE**

**Notice By Mail** Under the provisions of Louisiana law or these rules, whenever notice of a meeting is given to any member it shall not be construed to mean personal delivery of notice. Notice will be

considered to be given in writing on the day the written notice is deposited in a post office with such notice bearing the member's address as it appears in the records of the Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR

## **§111. OFFICERS**

A. The officers of the Board shall be elected by the members of the Board, Board officer shall include a Chairperson and a Vice-Chairperson and such other officers as the Board may deem necessary. There shall be no prohibition against officers succeeding themselves.

1. **Chairperson** The Chairperson shall be a member of the Board and shall preside at all meetings of the Board at which he or she is present. The Chairperson shall perform such other duties and have such other powers as from time to time may be assigned to the office by these rules or by the Board. Election of the Chairperson shall be at the Annual Meeting or such other time as may be necessary. The Chairperson shall hold office until the next Annual Meeting or until his successor takes office.

2. **Vice-Chairperson** The Vice-Chairperson shall be a member of the Board. At the request of the Chairperson, or in the event of his absence or disability, the Vice-Chairperson shall perform all duties of the Chairperson. When so acting in the capacity as Chairperson shall have all the powers of, and be subject to all the restrictions of, the chairperson. The Vice-Chairperson shall also perform such other duties and have such other powers as from time to time may be assigned to the office or to the Vice-Chairperson by the Board or by the Chairperson. The Vice-Chairperson shall be the Chairperson of the Screening Committee. Election of the Vice-Chairperson shall be at the Annual Meeting or such other time as may be necessary. The

Vice-Chairperson shall hold office until the next Annual Meeting or until his successor takes office.

### **§113. STANDING COMMITTEES**

A. The Board, by resolution adopted by a majority of the Board then in office, may establish one or more standing committees, each which shall consist of three or more board members. Each committee shall have and exercise the authority of the Board as contained within the resolution establishing such committee and shall perform such functions as shall be provided for in such resolution.

**B. Appointment of Members** The officers and members of all standing and ad hoc committees shall be appointed by the chairperson.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR

### **§115. Records of the Board**

The Board Secretary shall be the Director of the Business Incentives Division of the Office of Business Development (hereinafter referred to as Secretary). The Secretary shall keep an accurate record of all proceedings of the Board, and shall be the custodian of all books, documents, and papers filed with the Board and the minute books of the Board. The secretary shall cause copies to be made of all minutes and other records and documents of the Board and shall certify that such copies are true copies, and all persons dealing with the Board may rely upon such certification. The records of the Board shall be kept at the principal office of the Board or at such other place that the Board may determine. The records of the Board shall be available for public inspection at reasonable times in the manner provided by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR

## **§117. Speaking Before the Board**

### **A. Time Limit Set on Speaking Before the Board**

1. Petitions to the Board by an applicant and/or representatives of same shall, as a group, be limited to at total of 10 minutes to put forward their plea.
2. Opponents to a given application shall, as a group, have a total of 10 minutes to put forward their opposition.
3. Any and all interested parties shall, as a group, have a total of 10 minutes to put forward their views.
3. If any group has more than one speaker, the group may divide their 10 minutes by the number of speakers in that group, however in no case will any group be allowed to speak for more than 10 minutes total.
4. Questions addressed to an applicant or others by a Board member are not subject to the above time limits.

B. Any person wishing to appeal an action of the Board of Commerce and Industry or wishing to petition the Board or any of its committees or sub-committees must submit their appeal or petition along with any necessary documentation to the Business Incentives Division of the Office of Business Development at least thirty (30) days prior to the meeting of the Board of Commerce and Industry, the committee or sub-committee, during which the appeal or petition will be presented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, LR

## **Subchapter B. Fees** *(Reserved)*

### **Chapter 3. Gaming Ineligibility**

#### **§301. Gaming Ineligible**

A. (1) Any entity who has received or applied for a license to conduct gaming or is owned, controlled or managed by a company that has received or applied for a license to conduct gaming shall be ineligible to receive a contract for any tax exemption, credit, rebate or other benefit granted by the Board of Commerce and Industry.

(2) If an entity who has received a contract for any tax exemption, credit, rebate or other benefit granted by the Board of Commerce and Industry, subsequently, during the term of such contract, applies for or receives a license to conduct gaming or becomes owned, controlled or managed by a company that has applied for or received a license to conduct gaming, the Board shall, after notice, terminate the contract, and the entity shall repay any tax exemption, credit, rebate or other benefit received pursuant to the contract. The entity shall notify the Board of its application for or receipt of a gaming license or change in ownership, control or management.

(3) An entity who is owned, controlled or managed by a company that has received or applied for a license to conduct gaming may apply for a contract for a tax exemption, credit, rebate or other benefit granted by the Board of Commerce and Industry if the business operated by that entity is not related to and does not provide support to the gaming activity. The burden shall be on the applicant to prove that the business is not related to and does not provide support to the gaming activity. If the Board determines that the entity has provided sufficient proof that the entity is not related to and does not provide support to the gaming activity the Board may, in its discretion, grant



a contract for any tax exemption, credit, rebate or other benefit.

B. Definitions

***Bingo*** the game of chance commonly known as bingo or keno played for prizes with cards bearing numbers or other designations, five or more in one line, the holder covering numbers, as objects, similarly numbered, are drawn from a receptacle, and the game being won by the person who first covers a previously designated arrangement of numbers on such a card.

***Economic Interest*** any interest in a contract, license or licensee whereby a person receives or is entitled to receive, by agreement or otherwise, a profit, gain, thing of value, loss, credit, security interest, ownership interest, or other benefit.

***Game*** any banking or percentage Same which is played with cards, dice, or any electronic, electrical, or mechanical device or machine for money, property, or any thing of value. Game does not include a lottery, bingo, pull-tabs, raffles, electronic video bingo, cable television bingo, dog race wagering, or any wagering on any type of sports event, including but not limited to football, basketball, baseball, hockey, boxing, tennis, wrestling, jai alai, or other sports contest or event or racehorse wagering.

***Gaming Device*** any equipment or mechanical, electro-mechanical, or electronic contrivance, component, or machine, including but not limited to slot machines or video draw poker devices, used directly or indirectly in connection with gaming or any game which affects the result of a wager by determining wins or losses. The term includes a system for processing information which can alter the normal criteria of random selection, which affects the operation of any Same, or which determines the outcome of a game.

***Gaming Operations or Gaming Activities***

- a. the use, operation, offering or conducting of any game or gaming device;
- b. the conducting, or directly assisting in the conducting, as a business, of any game, contest, lottery, or contrivance on board a commercial cruise ship used for the international carriage of passengers whereby a person risks the loss of anything of value in order to realize a profit;
- c. the intentional conducting or assisting in the conducting of gaming activities upon a riverboat as defined and authorized in R.S. 4:501-4:562, whereby a person risks the loss of anything of value in order to realize a profit;
- d. the intentional conducting or assisting in the conducting of gaming operations at the official gaming establishment as defined and authorized in Chapter 10 of Title 4 of the Louisiana Revised Statutes of 1950.

***Pull Tabs*** single or banded tickets or cards each with its face covered to conceal one or more numbers or symbols, where one or more card or ticket in each set has been designated in advance as a winner.

***Racehorse Wagering*** wagers placed on horse racing conducted under the pari-mutuel form of wagering at licensed racing facilities that is accepted by a licensed racehorse wagering operator.

***Raffle*** The game of chance commonly known as raffle or raffles played by drawing for prizes or the allotment of prizes by chance, by the selling of shares, tickets, or rights to participate in such game or games, and by conducting the game or games accordingly.

***Slot Machine*** any mechanical, electrical, or other device, contrivance, or machine which, upon insertion of a coin, token, or similar object therein or upon payment of any consideration whatsoever, is available to play or operate, the play or operation of which, whether by

reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tokens, or anything of value, whether the payoff is made automatically from the machine or in any other manner.

***Video Draw Poker Device*** any unit, mechanism, or device authorized pursuant to the provisions of this Part, that, upon insertion of cash, is available to play or simulate the play of the Same of draw poker or other card games, utilizing a cathode ray tube or video display screen and microprocessors in which the player may win games or credits that can be redeemed for merchandise or cash. The term does not include a device that directly dispenses coins, cash, tokens, or anything else of value, except the ticket voucher required in accordance with the provisions of this Part. The term does not include any device authorized to be used in the conducting of charitable gaming.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:926, 51:1786(6), 47:4319.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Division of Financial Incentives, LR 21: 258 (March 1995), LR 26 (April 2000)